

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert Alpern et al.

Application No.: 10/814,527

Filed: March 30, 2004

Confirmation No.: 6886

Entitled: METHODS AND COMPOSITIONS FOR TREATMENT OF ION IMBALANCES

Examiner: Neil S. Levy

TO THE COMMISSIONER FOR PATENTS,

SIR:

STATEMENT UNDER 37 CFR 3.73(b)

Relypsa, Inc., a Delaware corporation, states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of less than the entire right, title and interest

(The percentage of its ownership interest is \_\_\_\_\_%)

in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B. ☒ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as follows:

1. From: Robert Alpern, Jerry Buysse, Han Ting Chang, Dominique Charmot, Michael James Cope, John Fordtran, and Gerrit Klaerner

To: Symyx Therapeutics, Inc.

The document was recorded in the Patent and Trademark Office at Reel 015173, Frame 0623, or for which a copy thereof is attached.

2. Symyx Therapeutics, Inc. changed its name to llypsa, Inc.

The document was recorded in the Patent and Trademark Office at Reel 014607, Frame 0882, or for which a copy thereof is attached.

3. From: Eric Connor, Mingjun Liu, Futian Liu, and Jun Shao

To: Ilypsa, Inc.

The document was recorded in the Patent and Trademark Office at Reel 019383, Frame 0837,  
or for which a copy thereof is attached.

4. From Ilypsa, Inc. to Relypsa, Inc.

for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from  
the original owner to the assignee was, or concurrently is being, submitted for recordation  
pursuant to 37 CFR 3.11.

The undersigned (whose title is supplied below) is empowered to sign this certificate  
on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and  
that all statements made on information and belief are believed to be true; and further, that  
these statements are made with the knowledge that willful false statements, and the like so  
made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the  
United States Code, and that such willful false statements may jeopardize the validity of the  
application or any patent issuing thereon.

4-25-08

Date



Signature

Ronald A. Krasnow  
Senior Vice President, Intellectual Property &  
Chief Patent Counsel

JSH/clp

## ASSIGNMENT

WHEREAS ILYPSA, INC., (hereinafter, "ASSIGNOR"), a corporation organized and existing under the laws of the State of Delaware, and having a place of business at One Amgen Center Drive, Thousand Oaks, CA 91320-1799, is the assignee of interest in inventions set forth in U.S. and foreign patents and U.S. and foreign patent applications (collectively, "Patent Documents"), listed in Appendix A hereto;

WHEREAS RELYPSA, (hereinafter, "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a place of business at 5301 Patrick Henry Drive, Santa Clara, CA 95054, is desirous of acquiring all interest in and to said inventions and to the Patent Documents listed in Appendix A;

NOW, THEREFORE, be it known to all whom it may concern:

THAT for good and valuable consideration the receipt of which is hereby acknowledged, ASSIGNOR has and does hereby sell, assign, transfer and set over unto ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest, including all rights acquired in foreign countries, in and to said Patent Documents (listed in Appendix A, attached hereto and incorporated herein by reference), including any divisions, renewals, continuations in whole or in part, substitutions, conversions, reissues, prolongations or extensions thereof, and in and to any and all letters patents to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but for, to and in all other countries; and it has been and is hereby authorized and requested that the appropriate government agencies issue said letters patents to ASSIGNEE, its successors and assigns, in accordance with this assignment

ASSIGNOR HEREBY covenants and agrees that it has the full right to convey the interest herein assigned, and ASSIGNOR has not executed, and will not execute, any agreement in conflict herewith.

IN WITNESS AND IN TESTIMONY WHEREOF, I as a duly authorized representative of ASSIGNOR, hereunto set my hand on the date shown below.

THIS 8<sup>th</sup> day of January, 2008.

ILYPSA, INC

By:

Name:

Title:

Stuart L. Watt  
Stuart L. Watt, V.P. Law &  
Intellectual Property Officer

UNITED STATES OF AMERICA

State of California

County of Ventura }

ss:

January 8

2008

Before me, a Notary Public for Ventura County, State of California, personally appeared

Stuart L. Watt

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal



Karen E. Podgorny  
Notary Public

My commission expires

October 28

2010

## Appendix A

| Country                    | Docket No.         | Alt. Docket No. | Application No. |
|----------------------------|--------------------|-----------------|-----------------|
| UNITED STATES              | 2004-002.A101.US   | ILPS04006.101   | NEW             |
| AUSTRALIA                  | 2004-002.A201.AU   | ILPS04006.203   | DCA             |
| BRAZIL                     | 2004-002.A201.BR   | ILPS04006.204   | DCA             |
| CANADA                     | 2004-002.A201.CA   | ILPS04006.205   | DCA             |
| CHINA                      | 2004-002.A201.CN   | ILPS04006.206   | DCA             |
| GERMANY                    | 2004-002.A201.DE   | ILPS04006.207   | DCA             |
| EUROPEAN PATENT<br>CONVENT | 2004-002.A201.EP   | ILPS04006.208   | DCA             |
| UNITED KINGDOM             | 2004-002.A201.GB   | ILPS04006.209   | DCA             |
| JAPAN                      | 2004-002.A201.JP   | ILPS04006.211   | DCA             |
| SOUTH KOREA                | 2004-002.A201.KR   | ILPS04006.212   | DCA             |
| MEXICO                     | 2004-002.A201.MX   | ILPS04006.213   | DCA             |
| WIPO                       | 2004-002.A201.PCT  | ILPS04006.202   | CEQ             |
| JAPAN                      | 2004-006.A301.JP   | ILPS04006.306   | DCA             |
| UNITED STATES              | 2004-006.A101.US   | ILPS04006.101   | NEW             |
| UNITED STATES              | 2004-006.A201.US.P | ILPS04006.201   | OTH             |
| AUSTRALIA                  | 2004-006.A301.AU   | ILPS04006.308   | DCA             |
| CANADA                     | 2004-006.A301.CA   | ILPS04006.304   | DCA             |
| EUROPEAN PATENT<br>CONVENT | 2004-006.A301.EP   | ILPS04006.305   | DCA             |
| HONG KONG                  | 2004-006.A301.HK   | ILPS04006.309   | DCA             |
| INDIA                      | 2004-006.A301.IN   | ILPS04006.307   | DCA             |
| UNITED STATES              | 2004-006.A301.US   | ILPS04006.301   | CIP             |
| WIPO                       | 2004-006.A301.PCT  | ILPS04006.302   | CEQ             |
| JAPAN                      |                    |                 | TBA             |
| UNITED STATES              |                    |                 | 10/13/04        |
| UNITED STATES              |                    |                 | 6/3/05          |
| AUSTRALIA                  |                    |                 | 10/13/05        |
| CANADA                     |                    |                 | 10/13/05        |
| EUROPEAN PATENT<br>CONVENT |                    |                 | 10/13/05        |
| HONG KONG                  |                    |                 | 10/13/05        |
| INDIA                      |                    |                 | 10/13/05        |
| UNITED STATES              |                    |                 | 10/13/05        |
| WIPO                       |                    |                 | 10/13/05        |

|               |                   |               |     |          |            |           |
|---------------|-------------------|---------------|-----|----------|------------|-----------|
| UNITED STATES | 2000-001.A101.US  | ILPS00001.105 | DCA | 5/21/03  | 10/432,371 | ABANDONED |
| WIPO          | 2000-001.A101.PCT | ILPS00001.103 | NEW | 11/28/01 | CA01/01692 | NAT PHASE |
| WIPO          | 2000-001.A201.PCT | ILPS00002.203 | NEW | 12/4/01  | CA01/01728 | PENDING   |

# Appendix A (continued)

| Country                 | Docket No.        | Alt. Docket No. |     | Application No. | Patent No.            |                     |
|-------------------------|-------------------|-----------------|-----|-----------------|-----------------------|---------------------|
| UNITED STATES           | 1994-001.A101.US  | ILPS94001.101   | NEW | 2/14/94         | 08/195,009            | 16-Jan-96 ISSUED    |
| ISRAEL                  | 1994-001.A101.IL  | ILPS94001.102   | CEQ | 1/24/95         | 112428                | 18-Nov-99 ISSUED    |
| SOUTH AFRICA            | 1994-001.A101.ZA  | ILPS94001.113   | CEQ | 1/26/95         | 95/0630               | 27-Dec-95 ISSUED    |
| AUSTRALIA               | 1994-001.A101.AU  | ILPS94001.115   | DCA | 2/9/95          | 15727/95              | 11-Feb-99 ABANDONED |
| CANADA                  | 1994-001.A101.CA  | ILPS94001.104   | DCA | 2/9/95          | 2181359               | 03-Jul-01 ISSUED    |
| SWITZERLAND             | 1994-001.A101.EP  | ILPS94001.109   | DCA | 2/9/95          | 95907526.8            | 26-May-04 ISSUED    |
| GERMANY                 | 1994-001.A101.EP  | ILPS94001.106   | DCA | 2/9/95          | 69533084              | 26-May-04 ISSUED    |
| EUROPEAN PATENT CONVENT | 1994-001.A101.EP  | ILPS94001.105   | DCA | 2/9/95          | 95907526.8            | 26-May-04 NAT PHASE |
| FRANCE                  | 1994-001.A101.EP  | ILPS94001.107   | DCA | 2/9/95          | 95907526.8            | 26-May-04 ISSUED    |
| UNITED KINGDOM          | 1994-001.A101.EP  | ILPS94001.108   | DCA | 2/9/95          | 95907526.8            | 26-May-04 ISSUED    |
| IRELAND                 | 1994-001.A101.EP  | ILPS94001.110   | DCA | 2/9/95          | 95907526.8            | 26-May-04 ISSUED    |
| JAPAN                   | 1994-001.A101.JP  | ILPS94001.111   | DCA | 2/9/95          | 97-520869             | PENDING             |
| SOUTH KOREA             | 1994-001.A101.KR  | ILPS94001.118   | DCA | 2/9/95          | 1996-704399           | ABANDONED           |
| MEXICO                  | 1994-001.A101.MX  | ILPS94001.112   | DCA | 2/9/95          | 963403                | 23-Jun-00 ISSUED    |
| NORWAY                  | 1994-001.A101.NO  | ILPS94001.119   | DCA | 2/9/95          | 1996-3378             | ABANDONED           |
| NEW ZEALAND             | 1994-001.A101.NZ  | ILPS94001.120   | DCA | 2/9/95          | 279180                | 23-Feb-98 ABANDONED |
| NEW ZEALAND             | 1994-001.A102.NZ  | ILPS94001.121   | DIV | 2/9/95          | 328329                | 07-Dec-00 ABANDONED |
| WIPO                    | 1994-001.A101.PCT | ILPS94001.103   | CEQ | 2/9/95          | CA95/00060            | NAT PHASE           |
| ARGENTINA               | 1994-001.A101.AR  | ILPS94001.116   | CEQ | 2/10/95         | 330.985               | 04-Jul-01 ABANDONED |
| VENEZUELA               | 1994-001.A101.VE  | ILPS94001.122   | CEQ | 2/10/95         | 0215-95               | ABANDONED           |
| UNITED STATES           | 1994-001.A102.US  | ILPS94001.114   | CON | 5/25/95         | 08/450,572            | 03-Jun-97 ISSUED    |
| CHINA                   | 1994-001.A101.CN  | ILPS94001.117   | CEQ | 2/9/05          | 95191615.7            | 17-Dec-03 ABANDONED |
| UNITED STATES           | 1998-001.A101.US  | ILPS98001.101   | NEW | 5/28/98         | 09/085,032 or 6013635 | 11-Jan-00 ISSUED    |
| AUSTRALIA               | 1998-001.A101.AU  | ILPS98001.110   | DCA | 5/27/99         | 41253/99              | ABANDONED           |
| CANADA                  | 1998-001.A101.CA  | ILPS98001.103   | DCA | 5/27/99         | 2321927               | PUBLISHED           |
| CHINA                   | 1998-001.A101.CN  | ILPS98001.109   | DCA | 5/27/99         | 99805510.7            | ABANDONED           |
| EUROPEAN PATENT CONVENT | 1998-001.A101.EP  | ILPS98001.104   | DCA | 5/27/99         | 99924602.8            | PUBLISHED           |

| Country                    | Docket No.        | Alt. Docket No. | Application No. | Patent No. |
|----------------------------|-------------------|-----------------|-----------------|------------|
| EUROPEAN PATENT<br>CONVENT | 1998-001.A102.EP  | ILPS98001.113   | 6009088.3       | PUBLISHED  |
|                            | 1998-001.A101.HK  | ILPS98001.105   | 1106612.4       | PENDING    |
| HONG KONG                  | 1998-001.A101.JP  | ILPS98001.106   | 2000-550491     | PUBLISHED  |
|                            | 1998-001.A102.JP  | ILPS98001.114   | 2006-136969     | PUBLISHED  |
| JAPAN                      | 1998-001.A101.NO  | ILPS98001.111   | 2000 5992       | ABANDONED  |
|                            | 1998-001.A101.NZ  | ILPS98001.112   | 506474          | ABANDONED  |
| NEW ZEALAND                | 1998-001.A101.PCT | ILPS98001.102   | CA99/00484      | NAT PHASE  |
|                            |                   |                 |                 |            |
| WIPO                       |                   |                 | 09/419,790 or   |            |
|                            |                   |                 | 6107282         | ISSUED     |
| UNITED STATES              | 1998-001.A102.US  | ILPS98001.107   | 09/433,944 or   | 22-Aug-00  |
| UNITED STATES              | 1998-001.A201.US  | ILPS98001.201   | 6358930         | 19-Mar-02  |
|                            |                   |                 |                 | ISSUED     |
| UNITED STATES              | 1998-001.A103.US  | ILPS98001.108   | 09/593,040 or   | ISSUED     |
|                            | 1998-001.A301.AR  | ILPS98001.304   | 6465435         | ABANDONED  |
| ARGENTINA                  | 1998-001.A301.CA  | ILPS98001.302   | 00 01 05829     | PENDING    |
|                            |                   |                 | 2388187         |            |
| CANADA                     |                   |                 |                 |            |
|                            |                   |                 |                 |            |
| EUROPEAN PATENT<br>CONVENT | 1998-001.A301.EP  | ILPS98001.305   | 974214.9        | ABANDONED  |
|                            | 1998-001.A301.JP  | ILPS98001.303   | 2001-534423     | PENDING    |
| JAPAN                      | 1998-001.A301.PCT | ILPS98001.301   | CA00/01312      | NAT PHASE  |
|                            |                   |                 |                 |            |
| WIPO                       | 1998-001.A201.TW  | ILPS98001.202   | 89125617        | ABANDONED  |
| TAIWAN                     |                   |                 |                 |            |



# Appendix A (continued)

| Country                    | Docket No.       | Alt. Docket No. |     | Application No. |                  |           |
|----------------------------|------------------|-----------------|-----|-----------------|------------------|-----------|
| UNITED STATES              | 2004-003.A102.US | ILPS04031.102   | NEW | 3/30/04         | 10/813,872       | PUBLISHED |
| UNITED STATES              | 2004-002.B101.US | ILPS04022.101   | CIP | 10/13/04        | 10/965,274       | PUBLISHED |
| UNITED STATES              | 2004-003.A201.US | ILPS04031.201   | CIP | 3/30/05         | 11/095,918       | PUBLISHED |
| UNITED STATES              | 2004-002.A201.US | ILPS04021.201   | CON | 3/30/05         | 11/095,760       | PUBLISHED |
| UNITED STATES              | 2004-002.B201.US | ILPS04022.201   | CON | 3/30/05         | 11/096,209       | PUBLISHED |
|                            |                  |                 |     |                 |                  |           |
| HONG KONG                  | 2004-003.A201.HK | ILPS04031.214   | CEQ |                 |                  | MAILED    |
| UNITED STATES              | 2004-003.A101.US | ILPS04031.101   | NEW | 3/30/04         | 10/814,749       | PUBLISHED |
| AUSTRALIA                  | 2004-002.B201.AU | ILPS04022.203   | DCA | 3/30/05         | 2005231424       | PENDING   |
| AUSTRALIA                  | 2004-003.A201.AU | ILPS04031.203   | DCA | 3/30/05         | 2005231383       | PENDING   |
| BRAZIL                     | 2004-002.B201.BR | ILPS04022.204   | DCA | 3/30/05         | PI0509366-0      | PENDING   |
| BRAZIL                     | 2004-003.A201.BR | ILPS04031.204   | DCA | 3/30/05         | PI509365-1       | PENDING   |
| CANADA                     | 2004-002.B201.CA | ILPS04022.205   | DCA | 3/30/05         | 2558029          | PENDING   |
| CANADA                     | 2004-003.A201.CA | ILPS04031.205   | DCA | 3/30/05         | 2557848          | PENDING   |
| CHINA                      | 2004-002.B201.CN | ILPS04022.206   | DCA | 3/30/05         | 2.0058E+11       | PENDING   |
| CHINA                      | 2004-003.A201.CN | ILPS04031.206   | DCA | 3/30/05         | 2.0058E+11       | PUBLISHED |
| GERMANY                    | 2004-002.B201.DE | ILPS04022.207   | DCA | 3/30/05         | 1.12005E+12      | PENDING   |
| GERMANY                    | 2004-003.A201.DE | ILPS04031.207   | DCA | 3/30/05         | 1.12005E+12      | PENDING   |
| EUROPEAN PATENT<br>CONVENT | 2004-002.B201.EP | ILPS04022.208   | DCA | 3/30/05         | 5732849.4        | PENDING   |
| EUROPEAN PATENT<br>CONVENT | 2004-003.A201.EP | ILPS04031.208   | DCA | 3/30/05         | 5731099.7        | PENDING   |
| UNITED KINGDOM             | 2004-002.B201.GB | ILPS04022.209   | DCA | 3/30/05         | 06 21242.7       | PUBLISHED |
| UNITED KINGDOM             | 2004-003.A201.GB | ILPS04031.209   | DCA | 3/30/05         | 621241.9         | PUBLISHED |
|                            |                  |                 |     |                 |                  |           |
| JAPAN                      | 2004-002.B201.JP | ILPS04022.211   | DCA | 3/30/05         | 2007-506580      | PENDING   |
| JAPAN                      | 2004-003.A201.JP | ILPS04031.211   | DCA | 3/30/05         | 2007-506518      | PENDING   |
| SOUTH KOREA                | 2004-002.B201.KR | ILPS04022.212   | DCA | 3/30/05         | 10-2006-7022589  | PENDING   |
| SOUTH KOREA                | 2004-003.A201.KR | ILPS04031.212   | DCA | 3/30/05         | 10-2006-7022533  | PENDING   |
| MEXICO                     | 2004-002.B201.MX | ILPS04022.213   | DCA | 3/30/05         | PA/a/2006/011274 | PENDING   |

| Country       | Docket No.         | Alt. Docket No. |     |         | Application No.  |           |
|---------------|--------------------|-----------------|-----|---------|------------------|-----------|
| MEXICO        | 2004-003.A201.MX   | ILPS04031.213   | DCA | 3/30/05 | PA/a/2006/011270 | PENDING   |
| WIPO          | 2004-002.B201.PCT  | ILPS04022.202   | CEQ | 3/30/05 | 2005/10978       | NAT PHASE |
| WIPO          | 2004-003.A201.PCT  | ILPS04031.202   | CEQ | 3/30/05 | 2005/010747      | PUBLISHED |
|               |                    |                 |     |         |                  |           |
| UNITED STATES | 2005-003.A101.US.P | ILPS05031.101   | NEW | 9/30/05 | 60/723,073       | EXPIRED   |
| WIPO          | 2005-003.A201.PCT  | ILPS05031.201   | CEQ | 10/2/06 | 2006/038602      | PUBLISHED |
|               |                    |                 |     |         |                  |           |
| UNITED STATES | 2005-004.A101.US.P | ILPS05041.101   | NEW | 9/30/05 | 60/723,055       | EXPIRED   |
| WIPO          | 2005-004.A201.PCT  | ILPS05041.201   | CEQ | 10/2/06 | 2006/038900      | PUBLISHED |
|               |                    |                 |     |         |                  |           |
| UNITED STATES | 2005-002.A101.US.P | ILPS05021.101   | NEW | 9/30/05 | 60/723,232       | EXPIRED   |
| WIPO          | 2005-002.A201.PCT  | ILPS05021.201   | CEQ | 10/2/06 | 2006/38899       | PUBLISHED |
|               |                    |                 |     |         |                  |           |
| UNITED STATES | 2005-003.A301.US   | ILPS05031.301   | NEW |         |                  | ABANDONED |